

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



May 9, 2002

Regulation Package #0100-01

CDSS MANUAL LETTER NO. CCL-02-02

TO: HOLDERS OF THE COMMUNITY CARE LICENSING MANUAL, TITLE 22, DIVISION 6,
CHAPTER 8, RESIDENTIAL CARE FACILITIES FOR THE ELDERLY

Regulation Package # 0100-01**Effective 04/08/02****Section 87593**

This manual letter has been posted on the Office of Regulations Development website at http://www.dss.cahwnet.gov/ord/Residentia_635.htm.

These regulations amend specific provisions and adopt new language in Title 22, Division 6, Chapter 8, Section 87593 Requirements for Emergency Adult Protective Services Placements.

In 1998, the legislature enacted SB 2199, Chapter 946 (Statutes of 1998) which added Chapter 13.5 (commencing with Section 15760) to Part 3 of Division 9 of the Welfare and Institutions Code relating to adult protective services (APS). Section 14 of this legislation stated that the Director of Social Services shall adopt regulations to implement the provisions of this act no later than January 31, 2000. In 1999, the legislature enacted SB 1003, Chapter 670, (Statutes of 1999) which allowed CDSS to use all-county letters to implement provisions in the act until regulations were adopted. This extended the time to develop regulations by deleting Section 14 of SB 2199, Chapter 946 (Statutes of 1998).

All-County Letter No. 99-48, dated September 22, 1999, pertaining to Emergency Placements through Adult Protective Services, provided interim procedures for county APS agencies that will be utilizing facilities licensed by CDSS, Community Care Licensing Division (CCLD) pursuant to Welfare and Institutions Code Section 15760 and 15763. The All-County Letter became obsolete with the filing of these regulations with the Secretary of State.

In addition to providing 24-hour, 7-day a week response to abuse reports, APS is responsible for providing emergency shelter to guarantee a safe place for the victim to stay until the dangers at home can be resolved. When a dependent adult victim of abuse in need of care and supervision is removed from his/her residence, placement in a CDSS licensed facility may act as that emergency shelter. Emergency placements in licensed facilities is limited to adult residential facilities and residential care facilities for the elderly.

Regulations require the completion of several assessments and other information prior to admission in a facility. These regulations were adopted to include a grace period for completing some of the documentation in order to allow emergency placements by county APS.

These regulations promote the protection of current facility clients while providing a safe-haven for adult/elder victims of abuse. These regulations also assist APS in accomplishing its responsibilities as set forth in SB 2199.

These regulations were adopted on an emergency basis effective October 25, 2001 and were considered at the Department's public hearings held on December 18, 19 and 20, 2001.

FILING INSTRUCTIONS

Revisions to all manuals are shown in graphic screen. The attached pages are to be entered in your copy of the Manual of Policies and Procedures. The latest prior manual letter containing Community Care Licensing changes was Manual Letter No. CCL-02-01. The latest prior manual letter containing Residential Care Facilities for the Elderly regulation changes was Manual Letter No. CCL-02-01.

Page(s)

119.1 and 119.2

Replace(s)

119.1 and 119.2

Attachments

SP

87593

REQUIREMENTS FOR EMERGENCY ADULT PROTECTIVE SERVICES PLACEMENTS

87593

- (a) The licensee shall be permitted to accept emergency placements by an adult protective services (APS) agency, if the licensee has received approval from the Department to provide emergency shelter services.
- (1) To obtain approval, the licensee shall submit a written request to the Department. The request shall include, but not be limited to, the following:
- (A) A letter of interest from the county APS agency stating that if the request to provide emergency shelter services is approved, the APS agency may enter into an agreement with the licensee to provide such services.
1. A copy of the written agreement between the APS agency and the licensee, listing the responsibilities of each party, shall be sent to the Department within seven calendar days of signing.
- (B) A written addendum to the Plan of Operation, specified in Section 87222, that includes procedures for the intake of an APS emergency placement. The addendum shall specify how the licensee will meet the needs of a resident placed on an emergency basis, such as on-call staff, additional staff and training.
1. The procedures shall include, but not be limited to, provisions for a private room.
- a. The licensee shall provide a private room for the resident until a pre-admission appraisal of the resident's individual service needs has been completed, specified in Section 87583.
- b. The Department may approve an alternative to a private room, such as awake or additional staff, but an alternative shall not be approved if it displaces staff or other residents of the facility.
- (C) A licensee of a residential care facility for the elderly may accept an adult resident, 18 through 59 years of age, for emergency placement under the following conditions:
1. The APS agency has written a statement indicating a local need exists for the licensee to accept emergency placements of adults 18 through 59 years of age.
- a. The licensee attaches this APS statement of local need [Section 87593(a)(1)(C)1.] to the written request, specified in Section 87593(a)(1).
- b. The licensee must request a statement each year from the APS agency, indicating a local need still exists as specified in Section 87593(a)(1)(C)1., and submit the statement to the Department.

87593 REQUIREMENTS FOR EMERGENCY ADULT PROTECTIVE SERVICES PLACEMENTS(Continued)**87593**

- (b) The Department shall provide written approval or denial of a licensee's request to provide emergency shelter services within 15 working days of its receipt.
- (c) The licensee shall comply with the regulations in Title 22, Division 6, Chapter 8 (Residential Care Facilities for the Elderly), unless otherwise stated in Section 87593. These regulations include, but are not limited to, the following:
 - (1) The licensee shall not exceed the capacity limitations specified on the license and shall not allow rooms approved only for ambulatory residents to be used by nonambulatory residents, as specified in Section 87110.
 - (2) The licensee shall meet the requirements in Section 87220 on fire clearance if the licensee has accepted a nonambulatory resident, defined in Section 87101(n)(2).
- (d) The licensee shall not accept the following persons as APS emergency placements:
 - (1) Individuals with prohibited health conditions [Section 87701].
 - (2) Individuals with restricted health conditions [Section 87701.1].
 - (A) The licensee may accept an APS emergency placement who is incontinent when the requirements in Section 87708 are met.
 - (3) Individuals who are receiving hospice care [Section 87716].
 - (4) Individuals who have active communicable tuberculosis [Section 87582(c)(1)].
 - (5) Individuals who require 24-hour, skilled nursing or intermediate care [Section 87582(c)(2)].
 - (6) Individuals whose primary need for care and supervision results from dementia or a mental disorder resulting in ongoing behavior that would upset the general resident group [Section 87582(c)(4)], unless the licensee meets the requirements in Section 87593(e) below.
 - (7) Individuals who are bedridden, as defined in Section 87582(d).
- (e) If a licensee accepts an APS emergency placement with dementia, the licensee must meet the requirements in Section 87724 and ensure the following criterion is met.